

serving on the Intelligence Committee longer than anyone, 10 years as a member directly and now my fifth year ex officio as leader and now Speaker of the House.

I considered it a service to our country that was important to our national security. I salute the men and women who serve our country in the intelligence community for their bravery and for their patriotism.

Congress has always for many years had a special interest in intelligence. We all recognize that we want our President and our policymakers to have the best possible intelligence. We want to do so in a way, though, that again balances liberty and security. We want to use every tool at our disposal to collect the intelligence that we need, again, to protect the American people, but we must do so under the law. That is what we are talking about here tonight.

In 1978, it was recognized that Congress had a role, the checks and balances, in determining how our intelligence was collected, analyzed and disseminated. Those are the three aspects of intelligence. Tonight, we are talking largely about collection.

In 1978, when the FISA law was passed, we were in a different era. It is clear that as it established Congress' rights in this arena and the checks and balances necessary to protect the American people, we also have to recognize today that technology is vastly different than it was at that time. So Congress has always stood willing, in a bipartisan way, to make amendments to the FISA act that would reflect the change in technology.

If anything in what we do should be nonpartisan, it is intelligence. It should be analyzed in a way that has no political approach to it, and the laws governing it should be written in a nonpartisan way.

That is why so many of us worked so closely, the distinguished Chairs of the committees of jurisdiction, Judiciary and Intelligence, including the majority leader, who just spoke, we worked closely with the Senate leadership, with the administration, trying to work in a bipartisan way to meet the needs of the American people.

As Mr. HOYER indicated, and I won't go into it in detail, this involved a series of communications, both in person, on the telephone and otherwise, with the Director of National Intelligence. He presented to us, as I believe Congresswoman HARMAN has indicated and the chairmen have indicated, he presented us his three must-have provisions in the FISA law, and we wrote a bill that reflected, in fact echoed, the request of the Director of National Security.

When we sent that to him, he came back and said, I have additional changes that I am requesting, and we accommodated them as far as we could under the balance of liberty and security.

As Mr. HOYER said, when we asked in the presence of the majority leader in

the Senate, the Speaker of the House, the Chairs of the intelligence committees, House and Senate, and Armed Services from the Senate, the Director of DNI, that group of people gathered said that our bill would make us significantly safer. It was a positive contribution, as the leader said. Not that he endorsed the bill, because by then the administration had a different approach.

It made it seem for some time, why we were going back and forth with this, trying to accommodate the DNI. I know that he was negotiating in good faith. I hope that he will accept what we are proposing in that same good faith.

Some of the things that have been rejected since those conversations, but I hope will reappear in the Senate bill, are to diminish the role of the Attorney General in the decision-making on this. We have always said that there would be a third branch of government, the courts, to issue the warrants. The discretion in this situation is now given to the Attorney General.

Without any reference to the current Attorney General, and there will be some who might question his judgment, I don't want Alberto Gonzales to have this much power, but in a Democratic administration, I would not want that Attorney General to have this much power. It should be a different branch of government.

So we have seen them come up with these pieces of legislation that substitute the Attorney General for the FISA courts. It is just totally unacceptable.

While we are trying to address the emergency concerns of the Director of National Intelligence, we know we will have a bigger bill down the road to go into some other issues of concern, but without the same urgency. That is why this legislation must be sunsetted, because no matter how you look at it, it gives extraordinary power to the administration beyond the intent of the FISA law, and certainly outside the values of our Founding Fathers, to balance liberty and security.

Having made the changes to our proposal that respond to each of the Director's concerns and having him describe our proposal as a significant improvement in his current capabilities, I would have expected that he would be leading the charge for this bill's passage.

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That is not happening, but that does not mean that this bill is inadequate. The judgment of the Director of National Intelligence stands. He knew to whom he was speaking that evening, and he was clear in his assessment.

All of us in Congress want to do everything within our power to protect the American people from terrorism. As I say, as a 15-year member of the Intelligence Committee, both as a member and ex officio, I know full well and sadly the threats to our country. I

know full well the capabilities that we have and some that we need. Every person, as Congresswoman HARMAN said, every person in this body is fully committed, is fully committed to collecting the intelligence that we need to protect the American people. But we must do it under the law, and sometimes that's where we differ.

You will hear our colleagues stand on this floor and say, terrorist to terrorist in foreign lands, the Democrats don't want you to collect on them; and they want to make you have a warrant to do it.

When I hear my colleagues say that, I think either they don't know or they don't care about the truth. Because that is patently untrue. And it has always been a mystery to me about this House of Representatives that somebody can misrepresent the facts, some would call, I don't like the word "lie," but if you said they were lying, your words would be taken down. And yet misrepresentations about the intentions of Members of this body are being made here tonight that simply are not true.

So let's put that aside and talk about how we can work together to honor the needs of our people, to recognize the changes in technology and to honor the oath of office that we take here to protect and defend the Constitution of the United States as we protect and defend the American people.

I urge a "yes" vote on this important legislation.

Mr. CONYERS. Madam Speaker, it is my pleasure to yield the remaining time that I have to the gentlewoman from Texas (Ms. JACKSON-LEE).

The SPEAKER pro tempore. The gentlewoman from Texas is recognized for 30 seconds.

Ms. JACKSON-LEE of Texas. Madam Speaker, I have listened to the debate this afternoon and I only have these few words of a message. One great patriot said, "Give me liberty or give me death."

I want to say to this body, the majority that I happen to be a part of will never endanger the American people. We have given to the DNI what he has asked for, but, most importantly, we have given to the American people their liberty, and we now give them their life. We protect them. Terrorists will not get away from us. This bill will protect the American people. I ask my colleagues to vote for this bill.

Madam Speaker, I rise today in strong support of H.R. 3356, the Improving Foreign Intelligence Surveillance to Defend our Nation and Our Constitution Act. I would like to thank my colleagues Mr. REYES and Mr. CONYERS for their leadership on this important issue.

This important legislation addresses the intelligence gap identified by Director of National Intelligence Mike McConnell, by amending the Foreign Intelligence Surveillance Act, or FISA. Madam Speaker, FISA has served the nation well for nearly 30 years, placing electronic surveillance inside the United States for foreign intelligence and counter-intelligence purposes on a sound legal footing.